D. REMARKS

In the above-noted Office Action, claims 17-29 were rejected under 35 U.S.C. 112. Claims 1-6, 13-14, 17-22 and 28-29 were rejected under 35 U.S.C. 103(a). Claims 15-16 and 30 were stated to be allowable. Claims 7-12 were objected to. Claims 23-27 were objected to , but were stated to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112. With this amendment, Applicants submit newly presented claims 31-36. Reexamination and reconsideration are respectfully requested.

The specification and abstract have been amended as specified by the Examiner. Applicants thank the Examiner for pointing out such errors.

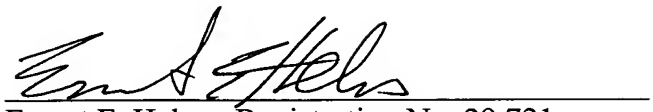
Claim 17 was rejected under 35 U.S.C. 112. In line 9 of claim 17, the term "said accelerator pedal having a non-constant travel first position...", refers to the fact that the first position is non-constant. In other words, the accelerator pedal may be in the first position at different angular positions within the vehicle. The reason why the pedal reaches the first position in a non-constant position is that the pedal position refers to the operator's torque demand. However, the first position is determined by the other parameters which are not in all situations linear with respect to torque demand, and the first position is the position when the engine takes over to respond to the torque demand rather than the electric motor. The switchover from the electric motor to the engine determines the first position.

The rejected claims all rely upon Frank (US 6,054,844), either singularly or in combination with other references. However, Frank is quite different from Applicants' invention. As noted in column 9, lines 13-18, *the electric motor torque overrides the engine torque to force the engine to slow down to the desired power level.* Applicants' invention does not work in such manner. In Applicants' invention, the electric motor is cut off when the switch is made to the internal combustion engine. The electric motor does not again contribute to the torque demand until the vehicle has reached its second level, which is a predetermined percentage of the maximum engine torque output. Thereafter, in a full open throttle situation, torque may additionally be contributed by the electric motor.

Applicants do not rely upon negative torque being provided by the motor to cause the engine to operate in its desired operational range. Accordingly, Frank fails to teach or disclose Applicants' invention

By this amendment, Applicants have shown that the Examiner's rejections are respectfully traversed. As the application is otherwise in condition for allowance, such action is respectfully requested.

Respectfully submitted,



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